97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 97-563
2d Session } { Part 2

COAST GUARD AUTHORIZATION ACT OF 1982

JUNE 11, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 5617]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 5617) to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

INTRODUCTION

As being reported by the Committee on Merchant Marine and Fisheries, H.R. 5617 was sequentially referred to the Committee on Public Works and Transportation for the consideration of such provisions in the reported bill as fall within the jurisdiction of this Committee.

These provisions include a number of amendments to statutory authorities relating to the construction, operation and maintenance of bridges over the navigable waters of the United States.

Section 9 of the Act of March 3, 1899, provided, among other things, that it is not lawful to construct a bridge or causeway over a navigable water until the consent of Congress is obtained and the plans have been approved by the Secretary of the Army.

The Act of March 23, 1906, provided that whenever the authority is granted by Congress to construct a bridge over navigable waters, it shall not be constructed until the plans have been approved by the Secretary of the Army.

The General Bridge Act of 1946 granted the general consent of Congress to the construction of bridges over navigable waters subject to the approval of location and plans by the Secretary of the Army.

The functions, power and duties of the Department of the Army relating to the location, plans, and clearances of bridges over navigable waters were generally transferred to the Department of Transportation in 1967 by the Act establishing the Department of Transportation.

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SECTION-BY-SECTION ANALYSIS (OF PROVISIONS WITHIN THE JURISDICTION OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Section 8(a) of the bill as reported by the Committee on Merchant Marine and Fisheries amends section 502(b) of the General Bridge Act of 1946, to provide that it shall not apply to any waters which are considered navigable only for historical purposes, and are not subject to the ebb and flow of the tide. That Act provides that the location and plans for bridges over navigable waters must be approved by the Secretary of Transportation in order to ensure that maintenance and operation of those bridges do not interfere with public navigation.

Section 8(b) amends Section 9 of the Act of March 3, 1899, in the same fashion. Section 9 of that Act provides, among other things, that it shall not be lawful to construct a bridge or causeway over a navigable water until the consent of Congress is obtained and the plans have been approved by the Secretary of Transportation (formerly Army).

Section 8(c) amends the Act of March 23, 1906, in the same manner. That Act provides that whenever authority is granted by Congress to construct a bridge over navigable waters, it shall not be constructed until the plans have been approved by the Secretary of Transportation (formerly Army).

Section 9(a) amends Sections 5 of the Act of August 18, 1894, to provide that no vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered. A civil penalty of not more than $1,000 is imposed for violations.

Section 9(b) is a technical amendment to Section 18 of the Act of March 3, 1899, substituting the Secretary of Transportation for the Secretary of the Army. Section 18 provides authority to require alteration of bridges which are obstructive to navigation. Subsection 9(b) also adds a provision to Section 18 providing a civil penalty of not more than $1,000 per day for a bridge owner or operator who endangers, unreasonably obstructs, or makes hazardous the free navigation of any navigable water of the United States by failure to keep the bridge in proper repair.

Section 9(c) amends Section 5 of the Act of March 23, 1906, by adding a civil penalty of not more than $1,000 a day for persons who unlawfully fail to comply with a lawful order relating to approval of plans or construction and operation of bridges.

Section 9(d) amends Section 510 of the General Bridge Act of 1946 to provide for a civil penalty of not more than $1,000 per day for violation of any provisions of that Act. The General Bridge Act granted the general consent of Congress to the construction of bridges over navigable waters of the United States, subject to the approval of their locations and plans by the Secretary of the Army (later changed to he Secretary of Transportation).

The Committee on Public Works and Transportation concurs in the amendments to the above provisions, as reported by the Committee on Merchant Marine and Fisheries.

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Compliance With Clause 2(l) of Rule XI of the House of Representatives

(1) With reference to clause 2(l)(3)(A) of rule XI of the House of Representatives, the Subcommittee on Investigations and Oversight did not hold hearings on the subject matter of the legislation. The Subcommittee on Water Resources held hearings on those aspects of the bill within the jurisdiction of the Committee on Public Works and Transportation.

(2) With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, H.R. 5617, as reported, does not provide new budget authority or increase tax expenditures. Accordingly, a statement pursuant to Section 308(a) of the Congressional Budget Act is not required.

(3) With references to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee has not received a report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act. However, the Committee on Merchant Marine and Fisheries did receive such a report. That report is printed in House Report 97–563, Part 1, accompanying H.R. 5617, as reported by the Committee on Merchant Marine and Fisheries.

(4) With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(5) With reference to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the following information is provided: The effect of carrying out H.R. 5617, as reported, should be negligible with respect to prices and costs.

The bill is an authorization bill for the daily operation and maintenance of the Coast Guard; for the acquisition, construction, and improvement of vessel, aircraft, and facilities; for the alteration and removal of obstructive bridges; and for research and development. Based upon the actual outlay distribution, the Committee finds no evidence of significant competitive pressure on manpower or materials that would have inflationary impact.

Cost of Legislation

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out H.R. 5617, as reported, in Fiscal Year 1982, and each of the following five years. The Committee considers the estimates of costs in the report of the Congressional Budget Office to be reasonable.

Committee Action and Vote

The Committee, in compliance with rule XI(2)(l)(2)(A) of the Rules of the House of Representatives, reports favorably the bill H.R. 5617, as reported by the Committee on Merchant Marine and Fisheries. The Committee ordered the bill reported by voice vote.

Changes in Existing Law

The bill was referred to this committee for consideration of such provisions of the bill and amendment recommended by the Committee on Merchant Marine and Fisheries as fall within the jurisdiction of the Committee on Public Works and Transportation pursuant to clause 1(p), Rule X. The changes to existing law made by the bill as reported by the Committee on Merchant Marine and Fisheries are shown on pages 39 through 60 of House Report 97–563, Part 1.

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97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 97-570
2d Session } { Part 2

RESOURCE CONSERVATION AND RECOVERY ACT REAUTHORIZATION

JUNE 11, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 6307]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 6307) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983 and 1984, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the bill as reported by the Committee on Energy and Commerce) are as follows:

Page 6, strike out line 1 and all that follows through line 21 and insert in lieu thereof the following:

HAZARDOUS WASTE MIXED WITH DOMESTIC SEWAGE

SEC. 4. The Administrator of the Environmental Protection Agency shall, not later than one year after the date of the enactment of this Act, submit a report to the Congress concerning hazardous wastes identified or listed under section 3001 of the Solid Waste Disposal Act which are excluded from regulation pursuant to subtitle C of the Solid Waste Disposal Act under regulations exempting mixtures of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works for treatment. Such report shall specify the types and quantities of such hazardous wastes which are exempted pursuant to such regulations and shall include recommendations respecting whether or not existing law applicable to such mixtures are adequate to protect human health and the environment from the haz-

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ards associated with such wastes. Not later than six months after the date of the enactment of this section, the Administrator shall submit to Congress a notice setting forth the progress made on the report required under this section.

Page 13, strike out line 16 and all that follows through line 10, page 20, and insert in lieu thereof the following:

NATIONAL GROUNDWATER COMMISSION

SEC. 9. (a) ESTABLISHMENT.—There is established a commission to be known as the National Groundwater Commission (hereinafter in this section referred to as the "Commission").

(b) DUTIES OF COMMISSION.—The duties of the Commission are to:

(1) Assess generally the amount, location, and quality of the Nation's groundwater resources.

(2) Identify generally the sources, extent, and types of groundwater contamination.

(3) Assess the scope and nature of the relationship between groundwater contamination and groundwater withdrawal and develop projections of available, usable groundwater in future years on a nationwide basis.

(4) Assess the relationship between surface water pollution and groundwater pollution.

(5) Assess the need for a policy to protect groundwater from degradation caused by contamination.

(6) Assess generally the extent of overdrafting of groundwater resources and the adequacy of existing mechanisms for preventing such overdrafting.

(7) Assess generally the engineering and technological capability to recharge aquifers.

(8) Assess the adequacy of the present understanding of groundwater recharge zones and sole source aquifers and assess the adequacy of knowledge regarding the interrelationship of designated aquifers and recharge zones.

(9) Assess the role of land-use patterns as these relate to protecting groundwater from contamination.

(10) Assess methods for remedial abatement of groundwater contamination as well as the costs and benefits of cleaning up polluted groundwater and compare cleanup costs to the costs of substitute water supply methods.

(11) Investigate policies and actions taken by foreign governments to protect groundwater from contamination.

(12) Assess the use and effectiveness of existing interstate compacts to address groundwater protection from contamination.

(13) Analyze existing legal rights and remedies regarding contamination of groundwater.

(14) Assess the adequacy of existing standards for groundwater quality under State and Federal law.

(15) Assess monitoring methodologies of the States

and the Federal Government to achieve the level of protection of the resource as required by State and Federal law.

(16) Assess the relationship between groundwater flow systems (and associated recharge areas) and the control of sources of contamination.

(17) Assess the role of underground injection practices as a means of disposing of waste fluids while protecting groundwater from contamination.

(18) Assess methods for abatement and containment of groundwater contamination and for aquifer restoration including the costs and benefits of alternatives to abatement and containment.

(19) Assess State and Federal groundwater law and mechanisms with which to manage the quality and quantity of the groundwater resource.

(20) Assess the adequacy of existing groundwater research and retermine future groundwater research needs.

(21) Assess the roles of State, local, and Federal governments in managing groundwater quality and quantity.

(c) MEMBERSHIP.—(1) The Commission shall be composed of seventeen members as follows:

(A) Four appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives, two of whom shall be members of the Committee on Public Works and Transportation and two of whom shall be members of the Committee on Energy and Commerce;

(B) Four appointed by the majority leader of the United States Senate from among the Members of the United States Senate;

(C) Eight appointed by the President as follows:

(i) Four from among a list of nominations submitted to the President by the National Governors Association, two of whom shall be representatives of groundwater appropriation States and two of whom shall be representatives of groundwater riparian States;

(ii) One from among a list of nominations submitted to the President by the National League of Cities;

(iii) One from among a list of nominations submitted to the President by the National Academy of Sciences;

(iv) One from among a list of nominations submitted to the President by groups, organizations, or associations of industries the activities of which may affect groundwater; and

(v) One from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are repre-

sentative of persons concerned with pollution and environmental issues and which have participated, at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to groundwater; and

(D) the Director of the Office of Technology Assessment.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than two of the four members appointed under subparagraph (A) and not more than two of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the Majority Leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they

cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d) DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the Chief of Engineers and the Director of the Geological Survey are each authorized to detail, on a reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section. Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

(e) POWERS OF COMMISSION.—(1) The Commission may, for the purpose of carrying out this section, hold such hearings, and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) REPORT.—The Commission shall transmit to the President and to each House of the Congress a report not later than October 30, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation, and administrative actions, as it considers appropriate.

(g) TERMINATION.—The Commission shall cease to exist on October 30, 1985.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the fiscal years 1983 through 1985 not to exceed $7,000,000 to carry out this section.

Introduction

H.R. 6307, as reported by the Committee on Energy and Commerce, was sequentially referred to the Committee on Public Works and Transportation for consideration of such provisions of sections 4 and 9 of the bill as fall within this Committee's jurisdiction.

Section 4 of the reported bill directs the Administrator of the Environmental Protection Agency to submit a report to Congress on mixtures of sewage and hazardous wastes that pass through a sewage system to a publicly-owned treatment works for treatment. The report is to specify the types and quantities of such hazardous wastes (which are presently regulated under provisions of the Federal Water Pollution Control Act) and is to include recommendations respecting whether regulation of such mixtures under the Solid Waste Disposal Act is necessary to protect human health and the environment. The report is to be submitted to Congress not later than two years after the date of enactment. Not later than one year after the date of enactment of this section the Administrator is to submit a notice setting forth the progress made on the report required by section 4.

Section 9 establishes a National Groundwater Commission composed of four members of the House, four from the Senate, four appointed by the President from lists submitted by various groups, and the Director of the Office of Technology Assessment. The Commission is charged with assessing a number of problems associated with contamination of groundwater from hazardous wastes, with a report to be submitted to Congress by October 30, 1986.

Committee Amendments

The amendments to section 4 delete the reference to the Solid Waste Disposal Act with regard to the study recommendations and require, instead, recommendations as to whether existing law applicable to such mixtures is adequate to protect human health and the environment. This will enable the Environmental Protection Agency to more properly address the issues relating to mixtures of sewage and hazardous wastes instead of being narrowly directed to examine whether these mixtures should be regulated under one law or another.

The amendments to section 4 also change the date by which the report must be submitted to Congress from two years after the date of enactment of the section to one year after the date of enactment. Similarly, the date for submittal of a progress report to the Congress is changed from one year after enactment to six months after enactment.

The study called for by section 4 involves pretreatment of wastes prior to their introduction into a publicly-owned treatment works for treatment. This is one of the matters within the purview of the Federal Water Pollution Control Act which the Committee intends to examine during the coming months in connection with its review of proposed amendments to that Act. Having the progress report and the study results at an earlier date will be of assistance in connection with this review.

The amendment to section 9 expands the scope of the study so as to ensure that a comprehensive examination is made of all aspects of the Nation's groundwater resources. The additional matters include:

A general assessment of the amount, location, and quality of the Nation's groundwater resources;

A general identification of the sources, extent, and types of groundwater contamination;

An assessment of the relationship between surface water pollution and groundwater pollution;

An assessment of the extent of overdrafting of groundwater resources and the adequacy of existing mechanisms for preventing such overdrafting;

An assessment of the engineering and technological capability to recharge aquifers;

An assessment of the methods for abatement of groundwater contamination and a comparison of cleanup costs to the costs of substitute water supply methods;

An assessment of the adequacy of existing standards for groundwater quality under State and Federal law;

An assessment of Federal and State monitoring methodologies;

An assessment of the adequacy of existing groundwater research; and

An assessment of the Federal, State and local roles in managing groundwater quality and quantity.

The amendment also changes the membership of the commission from thirteen to seventeen members. Of the four House members, two would be from the Committee on Energy and Commerce, and two would be from the Committee on Public Works and Transportation. The chairman of the commission would be appointed by the Speaker from among the House members, and the vice chairman by the Majority Leader of the Senate from among the Senate members.

Instead of one member appointed by the President from a list submitted by the National Governors' Association, four would be appointed from such a list, two from groundwater appropriation states and two from groundwater riparian states. Also, one member would be appointed from a list submitted by the National League of Cities.

The commission would be directed to utilize, on a reimbursable basis, personnel from the United States Geological Survey and Corps of Engineers.

Finally, the date for submission of the report to Congress would be changed from October 30, 1986, to October 30, 1985, and the amount authorized to be appropriated would be changed from $10 to $7 million.

Other Matters

H.R. 6307 was referred to the Committee for consideration of sections 4 and 9. However, information was also presented to the Subcommittee on Water Resources during its consideration of the bill expressing concerns over other aspects of the bill. A summary of some of these concerns follows.

FEDERAL COMMON LAW

Representatives from both the chemical and paper industries commented on section 10, which is designed to overturn—for purposes of the Solid Waste Disposal Act—a recent Supreme Court decision concerning the Federal Water Pollution Control Act. The Court, in *Milwaukee* v. *Illinois*, held that the comprehensive nature of the Act preempted any Federal common-law nuisance remedy might otherwise have been available. The Supreme Court reached its conclusion by, among other things, narrowly construing the language of a savings provision virtually identical to the RCRA language being changed by section 10.

The issue raised in section 10 with respect to the Solid Waste Disposal Act was considered in a pollution control context last year during the conference on the Municipal Wastewater Treatment Construction Grants Amendments of 1981, Public Law 97–117. The conferees ultimately agreed not to include the Senate's "common law" provision because, among other things, no hearings had been held to examine the effect that it might have on the Federal water pollution control program.

Similar concerns were raised with respect to section 10 of H.R. 6307 and the Federal hazardous waste management program. In addition, witnesses at the Water Resources Subcommittee hearing argued that section 10 is an invitation to plaintiffs to request Federal courts to second-guess administrative determinations of national policy declared by Congress in enacting RCRA. The point was also made that, because section 10 might subject those who are in full compliance with all Solid Waste Disposal Act requirements to additional undefined Federal liabilities, it could impede compliance with that Act and act as a real obstacle to the achievement of comprehensive and sound hazardous waste management.

SECTION 3001 SUBSTANCES

Instead of using the standard and fundamental term "hazardous waste", sections 6 and 11 of H.R. 6307 address issues relating to any "substance identified or listed under section 3001." Witnesses expressed fears that use of this new phrase could result in an expansion of the scope of EPA's jurisdiction under Subtitle C of the Solid Waste Disposal Act. The Energy and Commerce Committee report, while conceding that "the Agency's existing authority has been the subject of protracted litigation," explains use of the term as an effort, in section 6, to forestall the argument that materials being burned as fuels are not solid or hazardous wastes under RCRA and, in section 11, to avoid argument that materials being used, reused, recycled, or reclaimed are not discarded and so are not solid or hazardous wastes.

The chemical industry fears that the phrase "substances identified or listed under section 3001" could lead to a regulatory obligation to control management of hundreds of commercial products before they become wastes. The paper industry similarly fears that the terms could require unnecessary regulation of products and processes which are integral parts of the manufacturing process. Examples were given of recovery furnaces already permitted under the Clean Air Act and the

reclamation and reuse of substances that are not wastes—such as caustics, acids, solvents, pulping liquors, turpentines, and many laboratory chemicals—but would be subject to regulation because of the use of the new term. Witnesses also expressed concerns, shared in many respects by the Committee on Public Works and Transportation, that EPA's RCRA authorities should not unnecessarily either discourage resource conservation and recovery through beneficial use, reuse, recycling or reclamation, or interfere with manufacturers' use of spent materials, sludges or by-products as ingredients or as effective substitutes for raw materials in industrial processes.

SMALL GENERATORS

EPA regulations promulgated in May 1980 exclude from most RCRA requirements generators creating 1,000 kilograms or less per calendar month of hazardous waste. Section 3 of H.R. 6307 reduces the so-called small generator exemption from 1,000 kilograms per month to 100 kilograms per month. There was concern expressed that from 130,000 to 150,000 additional owners or operators would have to be regulated by EPA.

Additional hazardous wastes brought into the system would amount to only 1 to 5 percent of the hazardous waste generated in the United States. The large number of small generators regulated could create a significant burden on the Agency and divert resources from dealing with larger sources of hazardous wastes and from other important environmental problems. In addition, EPA estimates that the requirements in section 3 will cost the regulated community an additional $150 million annually.

The Agency testified that about 600,000 metric tons of hazardous waste per year fall within the current 1,000 kilogram per month exemption. The Energy and Commerce Committee Report had indicated that up to 4 million tons could fall into this category. Not all of this hazardous waste is disposed of in non-RCRA facilities in any case. Testimony was received that non-RCRA facilities often refuse to accept hazardous wastes from small generators. The damage incidents reportedly are caused primarily by generators misstating the components of their wastes. Also, disposal into publicly-owned treatment works by even the small generators is covered by the pretreatment program of the Federal Water Pollution Control Act.

EPA testified that only some 25 percent of small generators are manufacturing-type firms. Approximately 75 percent are service-oriented firms such as various retail operators, service stations, auto repair garages, dry cleaners, hospitals, and local transit authorities. There was doubt expressed as to whether these types of firms are appropriate to regulate as hazardous waste generators.

PERMITS

Section 7(a) of H.R. 6307 amends Section 3005 of the Solid Waste Disposal Act which provides for the issuance of permits for solid waste disposal facilities. Section 7(a) adds the requirement that a permit shall also address any release of hazardous substance from such facili-

ties which occurs prior to the date of issuance of the permit. The chemical industry expressed the concern that adding the subject of cleanup of prior releases to the permit procedure will unduly delay issuance of permits. It feels, also, that cleanup should more properly be handled under the Superfund legislation. The Environmental Protection Agency requested clarification that Congress intends that the Administrator have broad discretion under section 3004 and section 3005 in deciding when contamination caused by a facility before it was issued a permit should be addressed under RCRA and when it should be addressed under other available authorities, such as the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

Compliance With Clause 2(l) of Rule XI of the Rules of the House of Representatives

(1) With reference to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Subcommittee on Investigations and Oversight held hearings on the subject of hazardous waste contamination of surface and groundwater resources on March 10 and 30, 1982. As yet, no findings or recommendations have been made by that Subcommittee with regard to this matter.

The Subcommittee on Water Resources held hearings on those aspects of the bill within the jurisdiction of the Committee on Public Works and Transportation.

(2) With respect to clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives, H.R. 6307, as reported, does not provide new budget authority or increase tax expenditures. Accordingly, a statement pursuant to Section 308(a) of the Congressional Budget Act is not required.

(3) With reference to clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the Committee has received a report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act. That report is as follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., June 10, 1982.

Hon. James T. Howard,
Chairman, Committee on Public Works and Transportation, Rayburn House Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6307, the Resource Conservation and Recovery Act Reauthorization Act of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Alice M. Rivlin, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 6307.

2. Bill title: Resource Conservation and Recovery Act Reauthorization Act of 1982.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, June 9, 1982.

4. Bill purpose: The bill authorizes appropriations in fiscal years 1983 and 1984 of $98.5 million and $101.5 million, respectively, to administer the Solid Waste Disposal Act, and extensively amends that act's regulations. Of these amounts, $44.5 million each year is authorized for the Environmental Protection Agency (EPA), and $1.5 million each year for the Commerce Department, for general administration of activities mandated by the Solid Waste Disposal Act; the remainder is for EPA grants to states. The bill also establishes the National Groundwater Commission and authorizes $7 million to be used by the commission until its dissolution in October 1986.

5. Cost estimate:

	Millions
Authorization level:	
Fiscal year::	
1983	$105.5
1984	101.5
1985	-----
1986	-----
1987	-----
Estimated outlays:	
Fiscal year:	
1983	54.9
1984	83.1
1985	41.6
1986	20.1
1987	7.3

The costs of this bill fall within budget function 300.

6. Basis of estimate:: The authorization levels are those stated in the bill. For purposes of this estimate, it was assumed that the full amounts authorized will be appropriated prior to the start of each fiscal year. Authorizations of $10 million annually for fiscal years 1983 and 1984 for hazardous waste site inventory grants were not included in the above estimate because they replace an existing authorization of $20 million for that program. Outlays were estimated based on information from the EPA and on historical spending patterns for these types of activities.

7. Estimate comparison: None.

8. Previous CBO estimate: A cost estimate was prepared on May 12, 1982, for S. 2432, as ordered reported by the Senate Committee on Environment and Public Works. That bill authorized $88.6 million for fiscal years 1983 and 1984. Of those authorizations, $45 million each year was for grants to states, and the remainder for EPA's general administration expenses pursuant to the Solid Waste Disposal Act. No funds were authorized for the Commerce Department, nor was a National Groundwater Commission created by S. 2432.

On May 14, 1982, CBO prepared an estimate on H.R. 6307 as ordered reported by the House Committee on Energy and Commerce. The estimated costs for the Energy Committee's version of H.R. 6307 are slightly higher due to an authorization of $10 million for the National Ground Water Commission rather than the $7 million authorized by the Committee on Public Works and Transportation.

9. Estimate prepared by: Anne E. Hoffman.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

(4) With reference to clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

(5) With reference to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the following information is provided: The effect of carrying out H.R. 6307, as reported, should be negligible with respect to prices and costs.

COST OF LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out H.R. 6307, as reported, in Fiscal Year 1982, and each of the following five years. However, under paragraph (d) of clause 7 its provisions do not apply when the Committee has received a timely report from the Congressional Budget Office.

COMMITTEE ACTION AND VOTE

The Committee, in compliance with Rule XI(2)(l)(2)(A) of the Rules of the House of Representatives, reports favorably the bill H.R. 6307, as reported by the Committee on Energy and Commerce, with amendments. The Committee ordered the bill reported by voice vote.

CHANGES IN EXISTING LAW

The bill was referred to this committee for consideration of such provisions of section 4 and section 9 of the amendment recommended by the Committee on Energy and Commerce as fall within the jurisdiction of the Committee on Public Works and Transportation pursuant to clause 1(p), Rule X. No Ramseyer was required by these sections. The changes to existing law made by the bill as reported by the Committee on Energy and Commerce are shown on pages 24 through 35 of House Report 95–570, Part 1.

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